

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

IN RE:	§	CASE NO.: 03-10383
	§	CHAPTER 12
ROBERT L. HERRON and	§	
DONNA L. HERRON d/b/a	§	
Piney Hill Dairy,	§	
Debtors.	§	
	§	

**RESPONSE TO NOTICE OF ATTORNEY'S APPLICATION FOR PAYMENT OF  
ATTORNEY'S FEES AND REIMBURSEMENT OF COSTS**

NOW COMES Deal-Rite Feeds, Inc., Crystal Farm Mills, Inc. and Fletcher Lawn and Garden and responds to Trustee's Application for Payment of Attorney's Fees as follows:

1. The above creditors are unsecured creditors in this proceeding.
2. That the creditors believe that the application of the Trustee is fair and reasonable in the amount.
3. That the amount should not be paid from the \$5,000.00 in funds recently paid to the Chapter 12 Trustee as the \$5,000.00 was to be specifically designated for Class 8 payment as is clearly stated in the recital portion of the Order. The decretal portion of the order states that the \$5,000.00 is to be applied to unsecured creditors class and Chapter 12 Trustee fees which was not the original proposal made by the Debtors' nor the understanding of counsel for the above creditors.

WHEREFORE, the above unsecured creditors object to payment of the Trustee's fees from the \$5,000.00 paid from the recent closing of the Debtors' real estate and requests the Court to deny the application, to reconsider its Order entered on October 12, 2004 allowing modification of the Chapter 12 plan and for such other and further relief as the Court deems just and proper.

THIS, the 15<sup>th</sup> day of November, 2004.

VAN WINKLE, BUCK, WALL, STARNES  
AND DAVIS, P.A.

By: \_\_\_\_\_

Mark A. Pinkston  
State Bar No. 16789  
Attorney for unsecured creditors  
Post Office Box 7376  
Asheville, NC 28802  
(828) 258-2991 (Telephone)  
(828) 257-2767 (FAX)

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served the foregoing Response in the above-entitled action upon all other parties to this cause via electronic filing by the United States Bankruptcy Court or by depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed as follows or as electronically served:

David G. Gray  
Westall, Gray, Connolly, and Davis P.A.  
81 Central Avenue  
Asheville, NC 28801

Marjorie Mann  
Roberts & Stevens, PA  
Post Office Box 7647  
Asheville, NC 28801

THIS, the 15<sup>th</sup> day of November, 2004.

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Mark A. Pinkston